
School Discipline in Charlotte Schools

**Is the School District Employing Best Discipline Practices to
Help African American Children Succeed in School?**

**North Carolina Advisory Committee to the
United States Commission on Civil Rights**

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Letter of Transmittal

North Carolina Advisory Committee to the
U.S. Commission on Civil Rights

Kimberly Tolhurst, *Delegated the Authority of the Staff Director*

The North Carolina Advisory Committee submits this report, *School Discipline in Charlotte Schools, Is the School District Employing Best Discipline Practices to Help African American Children Succeed in School?*, as part of its responsibility to study and report on civil rights issues in North Carolina. This report by the Committee was approved by a vote of 11 yes and 0 no, with no abstentions.

The Committee found that African American students in the Charlotte-Mecklenburg School District receive a disproportionate amount of discipline. Though this finding by itself does not imply discriminatory disciplinary action on the part of the Charlotte-Mecklenburg County Schools, it highlights the need for additional vigilance on the part of the school district to help at-risk students succeed.

The North Carolina Advisory Committee does not condone disruptive student behavior and understands the need for orderly schools in order to allow for an effective learning environment. Nevertheless, this study shines light on a national trend of a racial disparity in school discipline. This problem is not unique to the Charlotte-Mecklenburg County School District, but a pattern playing out in urban school districts across the country.

The racial disparities observed in school discipline beg the question as to why school discipline disproportionately affects African American children. As the public educational system works so well for most children, the large racial disparities observed in school discipline prompts the North Carolina Advisory Committee to wonder why public education does not work well for all children—particularly for children of color from low-income families in large urban areas.

To the North Carolina Advisory Committee, the tragic national trend for incarceration over social rehabilitation seems to have filtered its way into our schools. Rates for incarceration by race in North Carolina virtually mirror the discipline rates by race within the Charlotte-Mecklenburg County School District. Our examination of school disciplinary data and practices suggests that for too many African American students there exists a likely early exit out of school and eventual incarceration. From a societal view, this is a short-sighted policy.

Schools do have the opportunity to intervene and prevent many at-risk children from following an inevitable path out of school and into prison. It is the hope of the North Carolina Committee that this report will help to promote an earnest and forthright discussion on the difficult and socially related questions centering on race and class to truly get at the heart of this problem so that equal educational opportunity will truly become a reality for all children in this country.

Respectfully,
Marian Ackerman, *Chair*
North Carolina State Advisory Committee

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INTRODUCTION

The United States Commission on Civil Rights (Commission) has for its mission the study of issues relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin. As part of the Commission, state advisory committees are constituted in each of the 50 states and the District of Columbia. These state advisory committees are charged with the responsibility to examine and report on civil rights issues in their states within the Commission's jurisdiction.

Following a briefing before the chairmen of the state advisory committees in the Commission's Southern Region, the North Carolina Advisory Committee became concerned that the application of school discipline may play a critical role in inducing a disproportionately number of African American and Latino students to drop out of school.¹ At the briefing, it was reported that African American and other minority children receive disproportionate discipline in the public schools.² Not only are African American and Latino children almost three times more likely to be suspended when compared with white students, they are also being disproportionately removed from the regular classroom and placed into alternative education programs. The resulting social isolation stemming from these practices is correlated with a greater likelihood of dropping out of school, which in turn often leads to eventual future incarceration.³

As a result of the briefing, there was an expressed concern among the attending chairs of the state advisory committees that for too many minority school-age children—particularly those attending school in large urban areas, school discipline practices may have the unintended consequence of retarding academic success and pushing too many of these children out of school and into the criminal justice system. In concert with collaborating state advisory committees in Florida, Georgia, Kentucky, South Carolina, and Tennessee, the North Carolina Advisory Committee decided to examine the issue of school discipline. Similar to the studies by the state advisory committees in Florida, Kentucky, and Tennessee, the examination by the North Carolina Advisory Committee concentrated on one large urban school district in the state—the Charlotte-Mecklenburg County School District.⁴ The Georgia Advisory Committee and the South Carolina Advisory Committee examined mid-size school districts in their states.

This report is a summary of the findings of the North Carolina Advisory Committee on school discipline and equal educational opportunity. It is the intent of the North Carolina Committee that this report will help to begin an earnest, forthright, and urgent discussion on the difficult questions centering on race and class to truly get at the heart of this problem as, sadly, the nation's prison population continues to grow. To that purpose, the North Carolina Committee submits its findings and recommendations because it believes that with concerted efforts, public schools with the support of the general community have the opportunity to intervene and prevent many at-risk children from following an inevitable path out of school and into prison.

¹ Research suggests that multiple factors beyond the control of school districts such as poverty, parental education levels, and neighborhood environment, can also have a negative effect on a student's conduct as well as his/her ability to succeed academically in school.

² Constance Curry, briefing before the chairs of the Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee Advisory Committees, Atlanta, GA, Sept. 9, 2009.

³ Ibid.

⁴ See Florida Advisory Committee to the U.S. Commission on Civil Rights, *School Discipline in Florida: Discipline Practices Leave Many Children Behind* (December 2010); Kentucky Advisory Committee to the U.S. Commission on Civil Rights, *School Discipline in Kentucky: An Examination of School Discipline in the Jefferson County School District* (June 2011); and Tennessee Advisory Committee to the U.S. Commission on Civil Rights, *School Discipline: Are School Discipline Practices Pushing Too Many African American Children Out of School?* (June 2011), available at www.usccr.gov.

AFRICAN AMERICAN STUDENTS IN THE CHARLOTTE-MECKLENBURG SCHOOL DISTRICT RECEIVE DISCIPLINARY ACTIONS AT A HIGHLY DISPROPORTIONATE RATE

One of the challenges faced by the Charlotte-Mecklenburg County Schools (CMS) is the high concentration of poverty in a minority of the district's schools. Most of the students suspended, expelled, or sent to alternative school are from a small number of schools in the district, all of which have high levels of poverty. In addition to poverty, disciplinary actions in the district also display a significant racial disparity.

African American students in CMS receive a disproportionate number of office referrals for disciplinary reasons

In CMS, the building principal has the primary authority to administer discipline, including removing students from the classroom and suspending students. For minor disciplinary infractions, the principal may remove the student from the regular classroom for short periods of time. Under these types of disciplinary actions, the student remains in the school building but is precluded from immediately returning to his/her classroom.

For more serious rule infractions, the principal may decide to exclude the student from the regular school program. Exclusion is the removal of a student from the regular school program for a definite period of time. This type of discipline includes out-of-school suspension, placement into an alternative educational setting, or expulsion.⁵

Table 1
Percent of student office discipline referrals, by race, 2008-09 school year, for the Charlotte-Mecklenburg County School District

	percent of student population	percent of office referrals	
White students	34	14	<i>z-score</i> = 2.226
African American students	41	68	<i>p value</i> = 0.02

Source: Compiled by the North Carolina Advisory Committee to the U.S. Commission on Civil Rights from CMS data.

Note: The *p value* of 0.02 reflects a statistically significant disparity.

The most common type of school discipline is the referral of a student by a classroom teacher to the principal's office, i.e., an office referral. In CMS during the 2008-09 school year, there were 79,907 office referrals.⁶ This number of office referrals for discipline reflects a very high level of formal discipline on the part of the school district, with one formal disciplinary action taken for every two children in the school district.

In addition to the high rate of disciplinary action, in CMS there is a large racial imbalance in the application of student discipline. Office referrals for disciplinary reasons in the district disproportionately affect African American students. Although African American students comprise about 40 percent of the district's population, they receive almost 70 percent of all office disciplinary referrals. In sharp contrast, white students, who are about 35 percent of the student body, receive about 15 percent of all office disciplinary referrals. This disparity is statistically significant.⁷

⁵ Mecklenburg County Public Schools, 2010 – 2011, *Attendance, Conduct, and Dress Code*, pp. 19-24.

⁶ Compiled from data from Charlotte-Mecklenburg County Schools, letter, Andre F. Mayes to Peter Minarik, Mar. 24, 2010, in response to request for school discipline data, Southern Regional Office files (hereafter cited as CMS Discipline Data).

⁷ See Note, Table 1.

African American students in CMS receive a disproportionate number of placements into alternative educational programs for disciplinary reasons

African American students in CMS are disproportionately placed into alternative educational programs for disciplinary reasons. Upon determination that there has been a violation of student behavior guidelines that results in a long-term exclusion, a student may be reassigned under an Alternative Educational Assignment (AEA) to an alternative school setting.⁸ The purpose for a child's placement into an alternative educational program is to allow for the child to continue his/her schooling in some type of formal educational setting. Upon satisfactory completion of the prescribed program, students receive academic credit for their work and can be considered for re-entry to their regularly assigned school.⁹ There is an expressed concern, however, that alternative educational settings are less educational settings and more controlled confinement.

Similar to the noted racial disparity in office referral disciplinary actions, African American students in the Charlotte-Mecklenburg County Schools receive a highly disproportionate number of placements into alternative education programs. During the 2008-09 school year, the district placed 990 students into alternative educational programs. Of these placements, 76 percent were African American students while just 8 percent were white students.¹⁰

Table 2
Percent of student placements into alternative educational programs, by race, 2008-09 school year, for the Charlotte-Mecklenburg County School District

	percent of student population	percent of alternative education placements	
White students	34	8	<i>z-score = 3.2276</i>
African American students	41	76	<i>p value = 0.001</i>

Source: Compiled by the North Carolina Advisory Committee to the U.S. Commission on Civil Rights from CMS data.

Note: The *p value* of 0.001 reflects a statistically significant disparity.

Not only is there a large racial disparity in alternative school placements in the district, a very large percentage of African American children are affected by these assignments. In the most recent school year, 1 of every 65 African American students in CMS was assigned to an alternative school setting. In sharp contrast, only 1 of every 550 white students in the district received an alternative school assignment.¹¹

⁸ Mecklenburg County Public Schools, 2010 – 2011, *Attendance, Conduct, and Dress Code*, pp. 19-24. The superintendent may, upon recommendation from the principal, remove a student to an alternative educational setting who is at least 13 and who does one of the following: (a) physically assaults a teacher or other adult who is not a student; (b) physically assaults another student if school personnel witness the assault; or (c) physically assaults and seriously injures another student.

⁹ In concert with its exclusion practices, the Charlotte-Mecklenburg County Schools has put into place several programs in an attempt to provide intervention for at-risk students. Positive Options Programs (POP) is an option for students who possess or use alcohol, marijuana, or other unauthorized drugs at school or at school-related activities and for whom this is a first offense. The AWARE program is a 15-day alternative learning program, housed at the Right Choices Program for first-time fighters who have qualified and received due process following the incident. Right Choices Program provides a constructive intervention and early support program for first time offenders who violate the substance abuse or violent acts rules of the Code of Student Conduct. VIP is a support program for students who have been involved in serious violent behaviors at school or at a school activity and for whom this is a first offense. The parent/guardian is required to attend VIP with the student.

¹⁰ See Table 2.

¹¹ As calculated from data in Table 2.

African American students in CMS receive a disproportionate number of suspensions

Under the CMS code of conduct, a student may be removed from the classroom and suspended from school for a number of conduct violations. Suspensions can be of two types: short-term, i.e., 10 days or less, and long-term, depending upon the infraction. Suspended students do not attend regular school activities, and this can severely retard prospects for future academic success.¹²

African American students in CMS are given a disproportionate number of out-of-school suspensions. Similar to the racial disproportionate number of office referrals and placements into alternative educational programs, African American students in CMS received a disproportionate number of suspensions in the most recent year with reported data. During the 2008-09 school year, the district gave 35,438 short-term out-of-school suspensions.¹³ Of these discipline suspension actions, 76 percent were for African American students while just 10 percent were for white students.¹⁴

These suspension rates are significantly different between the two groups of students and highly unlikely by chance alone.¹⁵ In addition, the number of suspensions indicates a high use of this type of disciplinary action. Absent multiple suspensions by the same student, the data suggest that 1 of 4 children in the district receives a short-term suspension in the course of the school year.

Table 3
Percent of student suspensions, by race, 2008-09 school year, for the Charlotte-Mecklenburg County School District

	percent of student population	percent of suspensions	
White students	34	10	<i>z-score = 2.546</i>
African American students	41	76	<i>p value = 0.011</i>

Source: Compiled by the North Carolina Advisory Committee to the U.S. Commission on Civil Rights from CMS data.

Note: The *p value* of 0.011 reflects a statistically significant disparity.

For suspended students, the district offers both short and long-term suspension centers. The short-term suspension center program provides a stable environment for students suspended for one to 10 days. This is a voluntary placement offered as an alternative to suspension. The student's home school collaborates with the family and center to ensure consistency of academic work. There is also a long-term suspension center program. Students in this program are assigned to the center for 11-30 school days. Course offerings at the long-term centers are not as inclusive as those in the students' home school.

According to district policy, however, before a student is excluded or suspended there must be a serious attempt to resolve the problem through use of other disciplinary measures, unless the student has committed an infraction that requires immediate removal from the educational environment. In discipline actions, principals are required to make reasonable efforts to involve a student's parents in working to resolve disciplinary problems.¹⁶

¹² Mecklenburg County Public Schools, 2010 – 2011, *Attendance, Conduct, and Dress Code*, pp. 25-39.

¹³ CMS Discipline Data.

¹⁴ See Table 3.

¹⁵ See Note, Table 3.

¹⁶ The superintendent or his/her designee(s) may suspend students from school in excess of ten (10) school days after the pupil and his/her parent(s) or guardian have been provided written notice of the proposed action and the reason therefore and of the right to a hearing (Mecklenburg County Public Schools, 2010 – 2011, *Attendance, Conduct, and Dress Code*, p. 49).

African American students in CMS are disproportionately expelled from school and have disproportionately high drop-out rates

Expulsion is the permanent denial of a student's right to attend school or school sponsored activities. The act of expulsion permanently removes the child from the public educational setting and thus greatly impedes prospects for future success.

In CMS, the decision to expel a student may only be rendered by the district's Board of Education. For a student to be expelled from a district school, he/she must be at least 14 years of age and his/her behavior must indicate that his/her continued presence in school constitutes a clear threat to the safety of employees or other students.¹⁷

Prior to ordering the expulsion of a student, the Board of Education must consider whether there is an alternative program offered by the district that may provide educational services to the student. In recent years the district has taken deliberate, proactive steps to limit the number of students expelled from the district. As a result of the district's actions, only 11 students expelled during the 2008-09 school year. This number indicates that less than 1 of every 10,000 students is expelled by the district. Still, tragically, all 11 students expelled by CMS in the most recent school year were African American boys.¹⁸

Table 4
Drop-out rate percents by race, 2008-09 school year, for the Charlotte-Mecklenburg County School District

	percent of student population	percent of drop-outs
White students	34	18
African American students	41	57

Source: Compiled by the North Carolina Advisory Committee to the U.S. Commission on Civil Rights from CMS data.

A concern of the North Carolina Advisory Committee is that racial disparities in school discipline may be related to disparities in school drop-out rates. The dropout rate in CMS is two times higher than the state average, and correspondingly the resulting graduation rate for CMS is much lower than the state average.

In 2008-09 the graduation rate in the district was 66 percent compared to the state median of 72 percent.¹⁹ The dropout rate in CMS is significantly higher than the state average and displays a racial imbalance. In the 2008-09 school year, the median dropout rate for North Carolina was 2.9 percent, while the CMS dropout rate was 5.9 percent—a rate two times higher than the state average.²⁰

Moreover, in CMS four times as many African American students drop out of school as white students. During the 2008-09 school year, a total of 2,018 students dropped out of school in the district. Of that total, 370 (18 percent) were white students while 1,156 (57 percent) were African Americans.

¹⁷ Mecklenburg County Public Schools, 2010 – 2011, *Attendance, Conduct, and Dress Code*, pp. 25-39.

¹⁸ CMS Discipline Data.

¹⁹ North Carolina Department of Education 2008. The graduation rate is defined by the number of 12th grade students who have completed high school within 4 years divided by the number of completers plus the number of dropouts from each grade of high school for that 12th grade class.

²⁰ North Carolina Department of Education, 2008-09.

CHARLOTTE-MECKLENBURG COUNTY SCHOOL DISTRICT IS SIMILAR TO OTHER DISTRICTS IN DISCIPLINING AFRICAN AMERICAN STUDENTS AT A DISPROPORTIONATELY HIGH RATE

African American students receive a disproportionate amount of discipline in other urban school districts in the South

CMS is not an isolated case when it comes to racial disparities in discipline. In comparison to three similarly sized urban school districts in the South examined by other state advisory committees, the pattern of discipline is similar to CMS.

In Tennessee, the Hamilton County School District (Chattanooga) was studied. In Kentucky, the Jefferson County School District (Louisville) was investigated. In Florida the Duval County School District (Jacksonville) was examined. CMS and the three comparison school districts display a similar pattern; and in all four districts African American students receive a highly disproportionate amount of discipline.²¹

Out-of-school suspensions

As previously noted, in the CMS African American students are 41 percent of the total student body yet they receive 68 percent of all district discipline referrals. The Chattanooga area schools, Jacksonville area schools, and Louisville schools display a similar pattern. In the Chattanooga area schools African American students comprise 33 percent of the total student body yet they receive 61 percent of all district out-of-school suspensions. Similarly, in the Jacksonville area schools African American students are 43 percent of the student population, yet receive 73 percent of all out-of-school suspensions. In the Louisville area schools, African American students are just 36 percent of the total student body yet they receive 63 percent of all suspensions.²²

The four comparison school districts administer out-of-school suspensions at a generally similar rate, but regardless of the district African American students are adversely affected. In the Louisville area schools the rate of out-of-school suspensions is 16 for every 100 students. That rate is similar to the Chattanooga area and Jacksonville area schools, where the out-of-school suspension rates are 14 per 100 students and 10 per 100 students respectively. The Charlotte area schools have the highest suspension rate among the four school districts, 26 out-of-school suspensions for every 100 students.²³

Alternative education placements

The racial disparity observed in the four school districts with respect to out-of-school suspensions is also reflected in the number of children placed into alternative school programs for disciplinary reasons. As previously noted, in CMS 3 out of every 4 students given an alternative educational placement is African American. In the Chattanooga area schools 4 out of every 5 students given an alternative educational placement is African American. In the Jacksonville area schools the rate is also 4 out of 5; and in the Louisville area schools the rate is 3 out of 4.²⁴

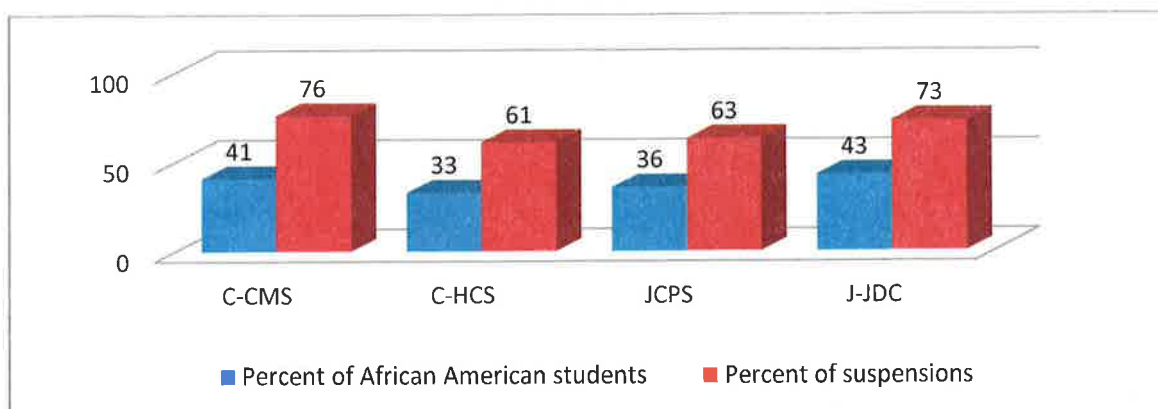
²¹ Florida Advisory Committee to the U.S. Commission on Civil Rights, *School Discipline in Florida: Discipline Practices Leave Many Children Behind* (December 2010), p. 18 (hereafter Florida School Discipline Report); Kentucky Advisory Committee to the U.S. Commission on Civil Rights, *School Discipline in Kentucky: An Examination of School Discipline in the Jefferson County School District* (June 2011) p. 14 (hereafter Kentucky School Discipline Report); and Tennessee Advisory Committee to the U.S. Commission on Civil Rights, *School Discipline: Are School Discipline Practices Pushing Too Many African American Children Out of School?* (June 2011) p.16 (hereafter Tennessee School Discipline Report).

²² See Figure 1.

²³ CMS discipline data; Florida School Discipline report, p. 18; Kentucky School Discipline Report, p. 15; and Tennessee School Discipline report, p. 16.

²⁴ Florida School Discipline report, p. 12; Kentucky School Discipline Report, p. 12; Tennessee School Discipline report, p. 11.

Figure 1
African American student population percent and their percent of out-of-school suspensions for Charlotte (C-CMS) area schools, Chattanooga (C-HCS) area schools, Louisville (JCPS) area schools, and Jacksonville (J-DCS) area schools



Source: North Carolina Advisory Committee to the U.S. Commission on Civil Rights from C-CMS, C-HCS, JCPS, and J-DCS data.

The four urban school districts also share similar education challenges with respect to poverty and racial school segregation patterns. All four school districts have a large number of poor African American students, and the elementary schools in each district are highly segregated.²⁵ In the Charlotte Mecklenburg Schools children from low-income families comprise 46 percent of total enrollment. Similarly, in the Chattanooga area schools children from low-income families are 51 percent of all students, while in the Jacksonville area schools and Louisville area schools the rates of children from low-income families are 46 percent and 56 percent respectively.²⁶

Similar to other school districts in the South, CMS schools have regressed to high level of segregation

More than a half century following the Supreme Court's decision to integrate public schools, CMS remains highly segregated at the elementary level. The most commonly used statistic to measure segregation is the Dissimilarity Index (Index).²⁷ An Index higher than 60 is generally considered to be an indicator of a very high level of segregation.

The Dissimilarity Index for elementary schools in the Charlotte metropolitan area is 78—a statistic that indicates almost a situation approaching completely segregated schools. Although not as severe as CMS, the other three comparison school districts also display a high level of racial segregation in their elementary schools. In Chattanooga area schools the Dissimilarity Index is 65, while in Louisville area schools it is almost 60. With a Dissimilarity Index of 50, Jacksonville area schools have the lowest level of segregation among the four comparison school districts.²⁸

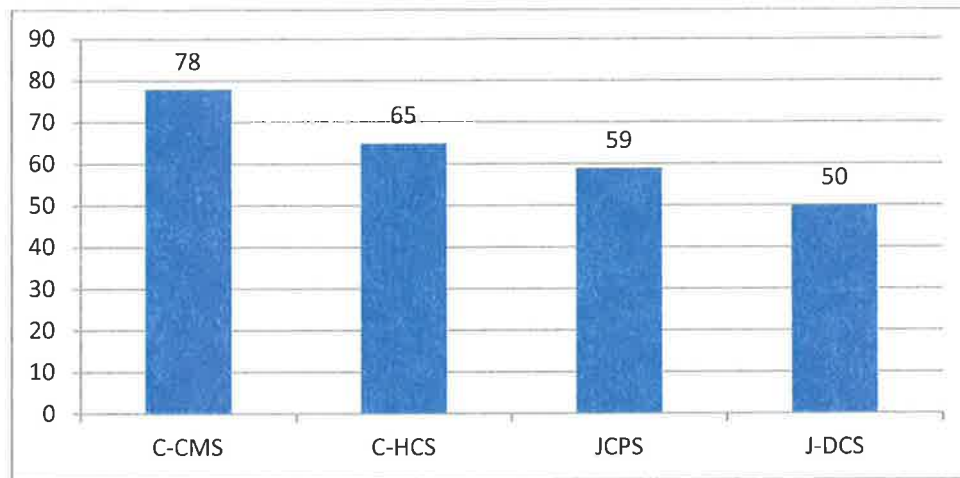
²⁵ The Charlotte-Mecklenburg County School District has an enrollment of about 135,000 students; African Americans are about 33 percent of total enrollment. The Chattanooga-Hamilton County School District has an enrollment of about 45,000 students; African Americans are about 34 percent of total enrollment. The Jacksonville-Duval County School District has an enrollment of about 123,000 students; African Americans are about 43 percent of total enrollment.

²⁶ Low-income as determined by eligibility for free or reduced lunch and tabulated by the Southern Regional Office, U.S. Commission on Civil Rights, using U.S. Department of Education, National Center for Education Statistics, Common Core of Data, 2008-09 school year.

²⁷ The formula for the Index of Dissimilarity is $\frac{1}{2} * \sum | b_i/B_i - w_i/W_i |$.

²⁸ Dissimilarity Indices computed by the Southern Regional Office, U.S. Commission on Civil Rights, from data received upon request for the 2008-09 school year from Charlotte-Mecklenburg County Schools, Duval County Public Schools, Hamilton County Public Schools, and Jefferson County Public Schools.

Figure 2
Dissimilarity Indices for Charlotte (C-CMS) area schools, Chattanooga (C-CHS) area schools, Louisville (JCPS) area schools, and Jacksonville (J-DCS) area schools



Source: North Carolina Advisory Committee to the U.S. Commission on Civil Rights from C-MCS, C-HCS, JCPS, and J-DCS data.

The Wake County School District in North Carolina is addressing a similar situation with respect to racial disparities in school discipline

The Wake County School District (WCS) in North Carolina faces a similar situation as CMS with respect to school discipline. Disparities in student discipline were one component of the NAACP complaint of the school district that is being investigated by the U.S. Department of Education's Office for Civil Rights.

In WCS, although African American students account for about 26 percent of total enrollment, they were 58 percent of students who received at least one suspension. Moreover, 17 percent of all African American students in the district received at least one suspension or expulsion, compared to just 3 percent for whites.

WCS conducted an internal examination of the issue. A team of administrators spent 18 months reviewing discipline issues following a school year in which 833 students received long-term suspensions and another 19,396 students were issued short-term suspensions of 10 days or less. The purpose of the study was to analyze the district's discipline policies and their implementation for effectiveness. A report of that study listed a number of recommendations, including:

- the elimination of zero tolerance policies not mandated by law,
- limiting the use of suspension for off-campus misconduct,
- limiting the use of suspension for elementary school students,
- limiting the use of suspension and minor offenses such as class disturbance, non-compliance, disrespect, tardiness, and having an electronic device, and
- mandating that administrators consider mitigating factors before imposing suspension.

As a result the Wake County School District has begun to overhaul its discipline policies from previous policies that were among the strictest in North Carolina. The district goal is to reduce the length and number of student suspensions, keep students in school, and improve academic performance and the graduation rate. A complete rollout of a revamped discipline policy is supposed to take place in the 2011-12 school year.

CONCLUDING OBSERVATION

The North Carolina Advisory Committee does not condone disruptive student behavior and understands the need for orderly schools in order to allow for an effective learning environment. Nevertheless, this study shines a light on a national trend of a racial disparity in school discipline. Moreover, as set out in this report, the situation is not unique to the Charlotte-Mecklenburg County School District, but a pattern playing out in urban school districts throughout the country.

It must be acknowledged that any study of student discipline that does not examine discipline at the individual student and school level has limitations. This study of school discipline shares those limitations. The conclusions in this report rely upon aggregate school district discipline numbers, and aggregate numbers do not control for one student receiving multiple disciplinary actions nor for individual factors other than race that might be related to disciplinary action. Additionally, this study did not attempt to control for disciplinary actions by school and a few schools in a district could account for an overwhelming number of disciplinary actions in the school district. It should also be acknowledged that there are factors outside the control of the school that contribute to student discipline problems. Factors such as neighborhood violence, poverty, and difficult home environments are often found in large urban school districts and affect many African American students.

Nevertheless, it is clear that African American students in the Charlotte-Mecklenburg School District and African American students in other urban school districts receive a disproportionate amount of discipline. Although there are factors outside the control of the district that can affect academic success, there remain factors under the control of the public schools that can contribute to academic failure and an increased risk of dropping out of school. The ineffective application of discipline is one of those factors.

The large racial disparities observed in school discipline beg the question as to why such problems face a disproportionate number of African American children. As the public educational system works so well for most children, the large racial disparities observed in school discipline give pause to consider as to why public education does not work well for all children—particularly for children of color from low-income families in large urban areas.

To the North Carolina Advisory Committee, the national trend towards incarceration over social rehabilitation seems to have filtered its way into our schools. Rates for incarceration by race in North Carolina virtually mirror the discipline rates by race within the Charlotte-Mecklenburg County School District. The Federal Bureau of Prisons reports increases in their prison population during the most recently reported 6-month period with North Carolina the state with the fifth largest increase in prisoner population. As tragic as these numbers are, equally alarming is the fact that national incarceration rates are grossly disproportionate when it comes to race and ethnicity. The Justice Department reports that African Americans and Hispanics are six times more likely to be incarcerated than whites.²⁹ This number becomes even more disconcerting when it is realized that African Americans and Hispanics combine to make up just 30 percent of the overall population.

²⁹ U.S. Department of Justice, Office of Justice Programs *Bureau of Justice Statistics*, 2009.

FINDINGS

1. Research has shown that multiple factors beyond the control of school districts, such as poverty, parental education levels, and neighborhood environment, can affect a student's ability to succeed academically in school. However, factors under the control of the school can contribute to academic failure or success and the risk of dropping out of school. One of those factors is the application of effective discipline.
2. The disparate application of discipline can contribute to higher risks of school dropout. Dropping out of school can be an at-risk factor for future incarceration. Discipline policies and practices, therefore, need careful analysis in their formation and implementation.
3. African American students in the Charlotte-Mecklenburg County Schools receive a statistically disproportionate amount of discipline. Though this finding by itself does not imply discriminatory disciplinary action on the part of the Charlotte-Mecklenburg County Schools, it nevertheless highlights the need for additional vigilance on the part of the school district to help at-risk students succeed.

RECOMMENDATIONS

1. The North Carolina Advisory Committee recommends that the School Board of the Charlotte-Mecklenburg County School District examine the effectiveness of its exclusionary discipline policies to ensure such policies provide for a safe school environment while not unnecessarily pushing children out of school.
2. The North Carolina Advisory Committee further recommends to the School Board of the Charlotte-Mecklenburg County School District that it consult with other urban school districts facing similar challenges to share and learn about school discipline practices that have shown to be successful in reducing the large numbers of African American students now being removed from the regular classroom setting for disciplinary reasons.
3. The North Carolina Advisory Committee recommends that the State of North Carolina Department of Education replicate this study in other urban areas of the state to learn the extent of disproportionate disciplinary data as well as the possible existence of promising schools and programs that are providing realistic constructive alternatives for children of color.
4. At the federal level, the North Carolina Advisory Committee recommends that the U.S. Commission on Civil Rights and the U.S. Department of Education examine this issue in other areas of the state and country to learn to what extent a pathway from school to prison may be operating as well as to examine the possible existence of promising schools and programs that are providing realistic constructive alternatives for children of color.

Appendix-- Comment of the Charlotte-Mecklenburg County Public School District

July 21, 2011

Office of the Superintendent
Charlotte-Mecklenburg Government Center
600 East Fourth Street, Fifth Floor
Charlotte, North Carolina 28202

Dear Dr. Minarik,

Thank you for the opportunity to respond to your draft report regarding racial disparities in school discipline. Your concerns are of interest to us. We will continue to review our discipline data and practices to ensure fairness in application. We are committed to educating every child well. We also recognize that safe and orderly schools are essential. To achieve a well-disciplined and safe learning environment, every student is expected to comply with the rules in the *Code of Student Conduct*.

You acknowledged in your report that there are factors beyond the school environment that affect students' behavior in school. We agree. That is why we invite parents, students and the community to partner with us in keeping CMS schools safe and orderly. On occasion, however, it is necessary to discipline students who do not comply with our discipline code.

We offer a wide range of disciplinary consequences for students who violate our rules. While students who commit the most serious offenses may be recommended for expulsion, the majority of our students who violate rules are referred to an alternative discipline program that does not result in a loss of academic instruction. These students remain engaged in a learning environment while receiving positive behavior support. Our alternative discipline programs include:

- Short-Term Alternative to Suspension Center. The primary goal is to reduce the number of students who consistently display inappropriate behavior on campus. This is a voluntary placement for students suspended for 1-10 days. In 2008-2009, 2,717 students attended.
- Long-Term Alternative to Suspension Center. The center provides a smaller, more structured environment for students who receive a long-term, out of school suspension (11-30 days). In 2008-2009, 430 students attended.
- Right Choices Program. This program provides constructive intervention and early support for adolescent students who violate the discipline code. In 2008-2009, 380 students attended this six-week program, which promotes behavior management skills and reducing at-risk behavior.
- Turning Point Academy. This program is designed for students who have committed serious infractions. A personal behavior plan and curriculum is developed for these students. In 2008-2009, 257 students were assigned.

We hope this information will be useful to you. Please feel free to contact us if you have any questions.

Sincerely,
Hugh Hattabaugh
Interim Superintendent